



felony, who were within three years of the victims age, who have completed probation, who have been prosecuted specifically because of the age of the victim and who have proven that they are at low risk to re offend. These offenders have had their registration reduced to 10 years by a judge. The new guidelines would require these same individuals to now register for 25 years. This should be changed to allow the individual to register as per the judges decision.

Joan H. Doolan



Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Monday, August 06, 2007 10:48 AM
To: Rosengarten, Clark
Subject: FW: important please read

From: MandS Symancyk [REDACTED]
Sent: Tuesday, July 31, 2007 11:49 PM
To: GetSMART
Subject: important please read

To Whom It May Concern,

I want every effort made to eliminate registration altogether for youthful indiscretions. There are many Romeo & Juliet type cases on the registry along with children playing doctor, I want those individuals off the registry. Below are a few additional clauses I would add to your guidelines.

1. It is very necessary for the State to be able to take existing offenders who qualify for exemption as per the new legislation of the registry without fear of losing federal funding.
2. Solicitation of a Minor to engage in sexual conduct, any direction, request, enticement, persuasion or encouragement of a minor should have an exemption for teens within four years of age, otherwise many teens could become susceptible to this offense.
3. In a Tier system, Tier one, as written, can not include Romeo & Juliet cases that involve intercourse because it only includes cases that involve jail sentencing of less than a year. All cases where intercourse or oral sex is involved would require sentencing of more than a year. A clause should be added to allow offenders under the age of 18 or within four years of the age of the victim to be assessed as a level one if the state deems them to be a low risk to re offend. In this way a state has the option to take their residence prosecuted in their state off the registry and they have options on how to treat a offender coming in from a stricter state.
4. The guidelines do allow states to elect to allow a non public registry for level one tier. States should be able to decide if offenders within four years of their victim that committed a felony are eligible for the level one non public registry. Many states today already have this non public registry for youthful felonies that are considered low risk to re offend, the new guidelines as written would take this option away. This option must remain in tact for the states.
5. Tier one can petition for a shorter registration of 10 years if they have a clean record for the ten years. It should only require a clean sexual record.
6. Tier one can petition for a shorter registration of 10 years if they successfully complete a sex offender treatment program certified by jurisdiction. This should only be if you were sentenced by the judge to do so. If it was not required at sentencing then it should not be required for the petition.
7. In a tier system a level two offender is required to register for 25 years. A clause should be added that allows offenders who are within a 4 year age difference of the victim to petition for a reduction in

8/6/2007

years of registration if their sexual record is clean for 10 years.

8. Some states like Michigan already allow for reduction in years of registration for offenders, convicted of a

felony, who were within three years of the victims age, who have completed probation, who have been

prosecuted specifically because of the age of the victim and who have proven that they are at low risk to

re offend. These offenders have had their registration reduced to 10 years by a judge. The new guidelines

would require these same individuals to now register for 25 years. This should be changed to allow the individual to register as per the judges decision.

Sincerely,

Maryann Symancyk

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Tuesday, July 31, 2007 11:00 AM
To: Rosengarten, Clark
Subject: FW: Docket 121
Attachments: Docket 121.doc

From: [REDACTED]
Sent: Monday, July 30, 2007 6:07 PM
To: GetSMART
Subject: Docket 121

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July 30, 2007

Laura L. Rogers, Director
Smart Office
Office of Justice Programs
United States Department of Justice
810 7th Street NW
Washington, DC 20531
Re: OAG Docket No. 121

To Whom It May Concern,

I want every effort made to eliminate registration altogether for youthful indiscretions. There are many Romeo & Juliet type cases on the registry along with children playing doctor, I want those individuals off the registry. Below are a few additional clauses I would add to your guidelines.

1. It is very necessary for the State to be able to take existing offenders who qualify for exemption as per the new legislation of the registry without fear of losing federal funding.
2. Solicitation of a Minor to engage in sexual conduct, any direction, request, enticement, persuasion or encouragement of a minor should have an exemption for teens within four years of age, otherwise many teens could become susceptible to this offense.
3. In a Tier system, Tier one, as written, can not include Romeo & Juliet cases that involve intercourse because it only includes cases that involve jail sentencing of less than a year. All cases where intercourse or oral sex is involved would require sentencing of more than a year. A clause should be added to allow offenders under the age of 18 or within four years of the age of the victim to be assessed as a level one if the state deems them to be a low risk to re offend. In this way a state has the option to take their residence prosecuted in their state off the registry and they have options on how to treat an offender coming in from a stricter state.

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6. Tier one can petition for a shorter registration of 10 years if they successful complete a sex offender treatment program certified by jurisdiction. This should only be if you were sentenced by the judge to do so. If it was not required at sentencing then it should not be required for the petition.

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8. Some states like Michigan already allow for reduction in years of registration for offenders, convicted of a felony, who were within three years of the victims age, who have completed probation, who have been prosecuted specifically because of the age of the victim and who have proven that they are at low risk to re offend. These offenders have had their registration reduced to 10 years by a judge. The new guidelines would require these same individuals to now register for 25 years. This should be changed to allow the individual to register as per the judges decision.

Sincerely yours,

Adeline Bono



John

Rogers, Laura

From: [REDACTED]
Sent: Thursday, July 26, 2007 9:44 AM
To: GetSMART
Subject: ATTN: LAURA L. ROGER, DIRECTOR SMART OFFICE

Re: OAG Docket No. 121

To Whom It May Concern,

I want every effort made to eliminate registration altogether for youthful indiscretions. There are many Romeo & Juliet type cases on the registry along with children playing doctor. I want those individuals off the registry. Below are a few additional clauses I would add to your guidelines.

1. It is very necessary for the State to be able to take existing offenders who qualify for exemption

as per the new legislation of the registry without fear of losing federal funding.

2. Solicitation of a Minor to engage in sexual conduct, any direction, request, enticement, persuasion or

encouragement of a minor should have an exemption for teens within four years of age, otherwise many

teens could become susceptible to this offense.

3. In a Tier system, Tier one, as written, can not include Romeo & Juliet cases that involve intercourse

because it only includes cases that involve jail sentencing of less than a year. All cases where

intercourse or oral sex is involved would require sentencing of more than a year. A clause should be

added to allow offenders under the age of 18 or within four years of the age of the victim to be assessed

as a level one if the state deems them to be a low risk to re offend. In this way a state has the option to

take their residence prosecuted in their state off the registry and they have options on how to treat

an offender coming in from a stricter state.

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one non public registry. Many state today already have this non public registry for youthful felonies that

are considered low risk to re offend, the new guidelines as written would take this option away. This

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do so. If it was not required at sentencing then it should not be required for the petition.

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re offend. These offenders have had their registration reduced to 10 years by a judge. The new guidelines

would require these same individuals to now register for 25 years. This should be changed to allow

the individual to register as per the judges decision.

Sincerely,

Susan M. Smith

[REDACTED]
[REDACTED]
[REDACTED]

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Monday, July 30, 2007 11:52 AM
To: Rosengarten, Clark
Subject: FW: SORNA Guideline Comments
Attachments: Walsh Guideline Comments 3.doc



Walsh Guideline
Comments 3.doc...

-----Original Message-----

From: Richard Smith [REDACTED]
Sent: Saturday, July 28, 2007 12:47 PM
To: GetSMART
Cc: andrews@juvjustice.org; [REDACTED]
Bob.Sheil@state.vt.us
Subject: SORNA Guideline Comments

Laura Rodgers, Director
Smart Office-Office of Justice Programs

Attached please find SORNA Guideline comments.

Thank you.

Richard A. Smith, Chair
Children and Family Council for Prevention Programs
[REDACTED]

<http://liveearth.msn.com>

Department for Children and Families
Family Services Division
Osgood 2
103 South Main Street
Waterbury, VT 05671-2401

Agency of Human Services

(phone) 802-241-2953
(fax) 802-241-1219

CHILDREN AND FAMILY COUNCIL FOR PREVENTION PROGRAMS

Children's Trust Fund

Juvenile Justice

Delinquency Prevention

July 27, 2007

VIA ELECTRONIC AND FIRST-CLASS MAIL

Laura L. Rogers, Director
SMART Office—Office of Justice Programs
U.S. Department of Justice
810 7th Street NW
Washington, D.C. 20531

**Re: OAG Docket No. 121--Comments on Proposed to Interpret and Implement the
Sex Offender Registration and Notification Act (SORNA)**

Dear Ms. Rogers:

The Children and Family Council for Prevention Programs (CFCPP) would like to take this opportunity to express our general opposition to the application of SORNA to youth adjudicated within the juvenile court system and our particular concerns with the current proposed guidelines.

CFCPP is Vermont's state advisory group for juvenile justice. Members are appointed by the governor and represent a diverse field of youth and professionals in Vermont whose work touches the lives of children, youth, and families. The primary responsibilities of CFCPP are to advise and inform on issues relating to Juvenile Justice, monitor the state's compliance with federal core protections relating to juvenile detention and contact with the criminal justice system, and oversee a number of grants that fund community based programming aimed at both preventing youth from committing offenses and supporting age appropriate interventions for those who already have.

**Application of the Guidelines to Youth is Contrary to the Research, Including Research Sponsored by the
U.S. Department of Justice**

The research, including research sponsored by the U.S. Department of Justice, does not support the application of SORNA to youth.

According to the National Center of Sexual Behavior of Youth (NCSBY), a training and technical assistance center developed by the Office of Juvenile Justice and Delinquency Prevention and the Center on Child Abuse and Neglect at the University of Oklahoma Health Sciences Center, juvenile sex offenders engage in fewer abusive behaviors over shorter periods of time and have less aggressive sexual behavior.¹ In addition, the recidivism rate among juvenile sex offenders is substantially lower than rates for other delinquent behavior (5-14% vs. 8-58%). In fact, more than 9 out of 10 times the arrest of a youth for a sex offense is a one-time event, even though the youth may also be apprehended for non-sex offenses typical of other juvenile delinquents.²

The Center also found that youth are more responsive to treatment than adults and that they are less likely than adults to re-offend given appropriate treatment. In other words, youth whose conduct involves sexually inappropriate behavior—even when assaultive—do not pose the same threat in terms of duration or severity to public safety as do adults.

All of the above competently argues against the inclusion of youth in public sex offender registries for 25 years to life.

Application of the Guidelines to Youth Will Interfere with Effective Treatment and Rehabilitation

SORNA as applied to youth is contrary to the core purposes, functions and objectives of our nation's juvenile justice systems in that it strips away the confidentiality and the overall rehabilitative emphasis which form the basis of effective intervention and treatment for youthful offenders.

It cannot be too strongly emphasized that youth implicated by the Act have not been convicted of a criminal offense, by deliberate action of the states' legislatures and prosecuting authorities. Rather, they have been adjudicated delinquent and, by virtue of that adjudication, have been found to be amenable to treatment and deserving of the opportunity to correct their behavior apart from the stigma and perpetual collateral consequences that typically accompany criminal convictions. Subjecting juveniles to the mandates of SORNA interferes with and threatens child-focused treatment modalities and may significantly decrease the effectiveness of the treatment.

SORNA as applied to youth will have a chilling effect on the identification and proper treatment of youth who exhibit inappropriate sexual behavior. As opposed to helping to hold their child accountable and seek appropriate children, parents will be more inclined to hide their child's problem and not seek help when they learn that their child may be required to register for life as a sex offender.

In addition, public registration and community notification requirements can complicate the rehabilitation and treatment of these youth. Youth required to register have been known to be harassed at school, forcing them to drop out.³ The stigma that arises from community notification serves to "exacerbate" the "poor social skills" many juvenile offenders possess,⁴ destroying the social networks necessary for rehabilitation.⁵

Application of the Guidelines to Youth Will Put Youth at Risk of Exploitation

SORNA as applied to youth is not in accord with the Act's public safety objective of "protect[ing] the public from sex offenders and offenders against children," in that it will expose these youth to adult offenders who have not sought or benefited from treatment.

Just as members of the public will be able to access the registry via the Internet and identify offenders in any and every community, adults who are inclined to exploit and abuse children and youth will be able to access the registry via the Internet and identify adjudicated youth in any and every community. Moreover, the youth's exposure will not be limited to the Internet. Pursuant to SORNA, four times a year these youth will have to report to a centralized location to provide certain updated information--bringing them into the physical presence of others and making abusive and exploitative actions against them much easier for adults still engaging in sexually inappropriate and abusive behavior.

The Guidelines Should Allow for Judicial Discretion in Cases of Youth Adjudicated as Juveniles

If the Attorney General persists that SORNA be applied to youth adjudicated within the juvenile court system, the Department should allow judges to exercise some discretion when determining whether and how a youth must register as a sex offender.

To date, all 50 states and the District of Columbia allow for the prosecution of serious youthful offenders in adult criminal court. Five states (HI, KS, ME, MO, NH) grant authority to the judge to make the decision to transfer a youth to adult court after a finding of probable cause and a determination that the juvenile court system cannot properly address his or her treatment needs. Fourteen states (AZ, AR, CA, CO, FL, GA, LA, MI, MT, NE, OK, VT, VA, WY) give prosecutors, instead of judges, the discretion to decide whether to charge certain juveniles in adult courts. Twenty-nine states (AL, AK, AZ, CA, DE, FL, GA, ID, IL, IN, IA, LA, MD, MA, MN, MS, MT, NV, NM, NY, OK, OR, PA, SC, SD, UT, VT, WA, WI) automatically transfer juvenile cases for certain types of crimes. Only two states (NY, NC) have lowered the age at which children are considered adults in the criminal system, transferring all crimes by 16- or 17-year-olds to adult courts.⁶

Thus, if a youth is being adjudicated within the juvenile court system, the state legislature, the prosecutor and/or the judge have made a determination (1) that the youth's offense does not warrant criminal prosecution, (2) that the

youth is entitled to the protections of the juvenile system and, above all, (3) that the youth and the public are best served within the juvenile system. The fact that the court has retained jurisdiction argues against indiscriminate registration requirements and instead supports a policy of judicial discretion on a case-by-case basis subject to certain criteria.

For example, Arizona, Iowa, Montana, Ohio, Oklahoma, Oregon, Texas and Wisconsin all currently allow for some judicial discretion when determining whether a youth adjudicated within the juvenile court system is required to register as a sex offender.

States that allow for the exercise of judicial discretion in cases of youth who have been adjudicated within the juvenile court system should be deemed to have substantially implemented the SORNA standards with respect to the Registration Requirements and Community Notification Standards.

The Guidelines Should Waive Public Registration and Community Notification Requirements for Youth Adjudicated within the Juvenile Court System

If the Attorney General persists that youth adjudicated within the juvenile court system register as sex offenders under SORNA, the Guidelines should allow for the creation and/or maintenance of a separate juvenile registry that is accessible by the relevant authorities but not by the general public, and should allow for the states, via the courts or some designated agency, to determine whether community notification is required. Such allowances will serve the public safety purposes of the Adam Walsh Act while helping youth in treatment and innocent family members maintain some privacy.

SORNA as applied to youth will disrupt families and communities across the nation because SORNA does not just stigmatize the youth; it stigmatizes the entire family, including the parents and other children in the home. In the overwhelmingly majority of cases, the address and telephone number the youth has to provide will be the family's home address and telephone number. The school information the youth has to provide will be the same school currently or soon-to-be attended by a sibling. The vehicle information the youth has to provide will be registered in one or both of the parents' names.

Similarly, the mandates and restrictions associated with SORNA impact not only the youth, but the entire family, particularly in terms of where registrants can live, e.g., prohibitions against living within so many feet of a school or a park.

In its efforts to support families as the fabric of strong communities, the federal government must be careful not to promulgate policies and promote practices that unnecessarily introduce or exacerbate tensions in the home, the school and between members of the same community, particularly where those tensions center on children and families who need and can benefit from appropriate treatment.

Alternatively, the Guidelines should allow for the creation and/or maintenance of juvenile registries that are accessible by the relevant authorities but not accessible by the public. Idaho, Ohio, Oklahoma and South Carolina, for example, currently maintain non-public registries for youth adjudicated within the juvenile court system.

When the Vermont Legislature discussed and debated proposed legislation in 1996 that eventually established a sex offender registry in Vermont there was a decision made by the legislature to exclude from required registration those youth who were adjudicated delinquent of a sexual offense in juvenile court as opposed to being convicted in adult (criminal) court. However, any individual, including all children, against whom an allegation of sexual abuse has been substantiated after investigation have their names placed on a child abuse registry even if a delinquency is not filed in juvenile court or criminal charge is not filed in adult court.

This registry is accessible to prosecutors, the attorney general, certain department commissioners and to employers if such information is used to determine whether to hire or retain a specific individual providing care, custody, treatment, or supervision of children or vulnerable adults. The employer may submit a request concerning employee, volunteer, or contractor or an individual to whom the employer has given a conditional offer of a contract, volunteer position, or employment. The request shall be accompanied by a release signed by the current or prospective employee, volunteer, or contractor.

In addition, there are another two separate statutory provisions in Vermont law that specifically provide notice regarding delinquent youth who have been adjudicated for any delinquent act that involved any sort of sexual

abuse and provide protection for the public. Under 33 V.S. A. Section 5529g(4) a victim of a sexual offense may request to be notified by the agency having custody of the delinquent child before he or she is discharged from secure or a staff secure residential facility.

There is also an exception to the confidentiality of juvenile court records, found in 33 V.S.A. Section 5536(b) and (c) which mandates the family (juvenile) court to provide written notice within seven days of a delinquency adjudication involving sexual abuse as well as certain other listed crimes, to the superintendent of schools for the public school in which the child is enrolled or, in the event the child is enrolled in an independent school, the school's headmaster. This notice is required to contain a description of the delinquent act found by the court. (33 V.S. A. Section 5536a(d))

The current Child Abuse Registry in Vermont should be deemed to have substantially implemented the SORNA standards with respect to the Registration Requirements and Community Notification Standards.

Conclusion

CFCPP supports efforts to hold offenders accountable, protect vulnerable populations and improve the overall public safety for communities across the nation. For the aforementioned reasons, however, we believe that the Act and the Proposed Guidelines negatively and unnecessarily impact the short- and long-term rehabilitation of youth adjudicated within the juvenile court system. We therefore urge the Attorney General to wholly or, alternatively, to limit their application in the ways articulated above.

Thank you for the opportunity to comment on the Proposed Guidelines to interpret and implement the Sex Offender Registration and Notification Act, and we trust that our comments will be given serious and thoughtful consideration.

Respectfully,

Richard A. Smith, Chair,
Children and Family Council for Prevention Programs

C Theresa Lay Sleeper, JJDP Specialist
Tara Andrews, Esq., Deputy Executive Director, CJJ

¹ National Center on Sexual Behavior of Youth, Center for Sex Offender Management (CSOM) and U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, (2001). *Juveniles Who Have Sexually Offended; A Review of the Professional Literature Report*; available at <http://www.ojjdp.ncjrs.org/>.

² Zimring, F.E. (2004). *An American Tragedy*. University of Chicago Press.

³ Freeman-Longo, R.E. (2000). Pg. 9. *Revisiting Megan's Law and Sex Offender Registration: Prevention or Problem*. American Probation and Parole Association.
<http://www.appa-net.org/revisitingmegan.pdf>.

⁴ Garfinkle, E., Comment, 2003. *Coming of Age in America: The Misapplication of Sex-Offender Registration and Community Notification Laws to Juveniles*. 91 California Law Review 163.

⁵ Ibid.

This past June, Connecticut raised the age of original juvenile court jurisdiction to age 17.

Rogers, Laura

public registry

From: Florence Rogers [REDACTED]
Sent: Tuesday, July 31, 2007 11:40 PM
To: GetSMART
Subject: Registry Guidelines

Dear DOJ;

I have been reading about the proposed minimums for listing felons on the sex offender registry and I wanted to make some comments.

First, if a registry is going to be useful it needs to be restricted to people known to be a danger to minors. If a person's crime does not involve any interaction with a minor then that person is not known to be a danger. If they have not at least e-mailed a minor as was the recent case with the Senator and the Capitol Pages then I oppose putting that person on the registry.

A law enforcement officer in Atlanta has stated that putting unnecessary people on the registry keeps his office from being able to concentrate resources on keeping close track of dangerous people.

Keeping children as safe as possible is always going to require vigilance. The adults responsible must keep open lines of communication so that they know of any dangers as they arise. They should also teach children how to respond so that they can protect themselves as much as possible. It is not necessary to scare children with horror stories to do this. They need to be told they can say no to adults, that it is appropriate to scream if someone is scaring them and that they have a right to their bodies and no one other than parents and medical professionals have a right to touch them if they do not want to be touched. There is no way to list offenders before their first offense, so safe practices are necessary.

I believe that limiting the time a person is on the registry is helpful to them in trying to live a normal and stable life. At least they will not have to keep moving to comply with ever changing restrictions. But it should be remembered that once something is on the Internet it is never really gone, so in that sense everyone ever listed is listed for life.

Sincerely,
Florence S. Rogers

NAT'L

Suggestion ^{pg 31}

Passport / Travel / Immigration
documents should have some
type of marking to indicate
their requirement to Register
under SORNA

- Encryption, File hiding, File shredding
Software Possession is violation
of Probation / Parole

^{pg 34} - Criminal History info should not only
have County, state of conviction it
should include the Agency ORI so
that Law enforcement can easily
identify the Law Enforcement agency
of conviction.

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Rogers, Laura

Web

From: AT [REDACTED]
Sent: Saturday, July 21, 2007 10:42 AM
To: GetSMART
Subject: Docket No. OAG 121

I am opposed to the inclusion of the following information in any sex offender registry:

- Registrants e-mail addresses and telephone numbers
- Temporary lodging information
- Passport information
- Employment information other than name and address of employer
- Professional licenses information
- Information where the registrant's vehicles are kept
- Date of birth

These changes are so significant that they should be subject to debate by Congress in public hearings. If after public debate, Congress believes that this information is necessary, it can amend the legislation. I view these proposals as an attempt to implement registration requirements which Congress was unwilling to include in the original Act.

Asma Tapert
[REDACTED]

7/21/2007

Rogers, Laura

website

From: AT [REDACTED]
Sent: Saturday, July 21, 2007 1:13 PM
To: GetSMART
Subject: Docket No. OAG 121

I am opposed to the inclusion of internet identifiers and addresses and telephone numbers in any sex offender registry.

Registrants and their families are in a dangerous position because of the ease in which this information can be copied and posted to other Web sites, shared on file-sharing networks, and passed around in instant messages and emails.

The risk of harassment and exploitation is very real. In particular, juvenile registrants will be at increased risk of bullying, blackmail, and/or physical threats. Juvenile registrants will be especially vulnerable to predatory individuals seeking to exploit a person's past troubles.

This information will be available without any control over who is accessing the information and increases the likelihood that the information will be used in a malicious manner.

Asma Tapert
[REDACTED]

8/16/2007

Rogers, Laura

website

From: AT [REDACTED]
Sent: Monday, July 23, 2007 2:49 PM
To: GetSMART
Subject: Docket No. OAG 121

I am opposed to the inclusion of date of birth in any public sex offender registry.

Public posting of birth dates will facilitate identity theft. In addition, juvenile registrants will be particularly vulnerable to predatory individuals seeking to exploit a person's past troubles. Also, they will be subject to an increased risk of bullying, blackmail and/or physical threats.

Asma Tapert
[REDACTED]

Note: This comment was originally sent on July 21, 2007, and received this message: "Unable to accept message because the server is out of disk space". Therefore, it is being resubmitted.

8/16/2007

Rosengarten, Clark

Web

From: Rogers, Laura on behalf of GetSMART
Sent: Thursday, July 26, 2007 3:41 PM
To: Rosengarten, Clark
Subject: FW: Docket No. OAG 121

From: AT [REDACTED]
Sent: Tuesday, July 24, 2007 8:34 PM
To: GetSMART
Subject: Docket No. OAG 121

I am opposed to the inclusion of other employment information and professional license information in any sex offender registry.

Other employment information may change frequently. For example, temporary employment agency personnel may be assigned to a new location every few days. Since the information can change quickly, the registrant could be in violation on a daily basis.

Expecting a registrant to change the information on a frequent basis is unrealistic both in terms of the registrant's ability to notify the jurisdiction and the jurisdiction's ability to keep the registry up-to-date. Registrant's need to maintain their employment and an unreasonable number of absences will jeopardize that employment. Jurisdictions will need to allocate additional personnel and funds to process frequent changes.

Information on professional licenses is unnecessary. Many professions require licensing but have no direct contact with children or vulnerable individuals such as city planners, architects or accountants.

This information will be available without any control over who is accessing the information and increases the likelihood that the information will be used in a malicious manner.

Asma Tapert
[REDACTED]

Rogers, Laura

web

From: [REDACTED]
Sent: Tuesday, July 17, 2007 10:56 AM
To: GetSMART
Subject: Docket No. OAG 121

To whom it may concern:

I am the mother of a 20 year old adopted son who has a diagnosis of ARND (Alcohol Related Neurodevelopmental Disorder), who is also presently a registered sex offender in the State of Michigan. As I read through the SORNA proposed guidelines I have grave concerns with "What information is required in jurisdictions' sex offender registries; **Employers name and address**".

At present it already is nearly impossible for anyone with a sexual felony on their record to get a job. Posting employer information to the public will certainly discourage any employer from hiring a sex offender. Why would they wish to jeopardize their business when it's posted to the world that a sex offender is in their employment, be their job ever so menial.

Ultimately where will this population of people be able to find gainful employment and turn their lives around to become an asset to society rather than being ostracized, an outcast and a drain on the welfare role?

[REDACTED]

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7/21/2007

Rogers, Laura

lvb

From: [REDACTED]
Sent: Monday, May 21, 2007 9:28 PM
To: GetSMART
Subject: Sex Offenders

My main concern is about the families of sex offenders, I do not agree with the publishing of information concerning our cars, tag numbers, or telephone numbers. We are being victimized by this public information. How many innocent lives are going to be lost due to someone running an innocent person off the road and killing them, Or kill someone because they were at the right house wrong time. How many times is my family going to have to not answer the phone due to harrassing phone calls. Those of us who are trying to live in the system and abide by the rules are getting set up for failure due to the system I am all for giving all the information to the authorities but not all of it to the public. If it were not for families, how many sex offenders would stay in one place and try to obey the rules? We are truly trying to live by the rules, please take the families into consideration before you get us killed.

7/21/2007

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Tuesday, July 31, 2007 10:54 AM
To: Rosengarten, Clark
Subject: FW: No. OAG 121 - Comments on AWA Guidelines

From: [REDACTED]
Sent: Tuesday, July 31, 2007 12:43 AM
To: GetSMART
Subject: No. OAG 121 - Comments on AWA Guidelines

I urge the attorney general to do the following:

1) Section VI should not include the name and address of locations where a registrant volunteers. Registrants have a difficult time finding employment, and volunteerism is a positive and productive way for them to use their energy and learn a skill. This requirement would mean that every time they volunteer somewhere, no matter how infrequent, or for how short a period of time, they would have to go report the name and location to the police. At a minimum there should be some threshold before volunteering must be reported - for example more than 80 hours in a calendar year for a particular organization. Section 114 of the AWA does not require that this information be collected..

2) VII – Disclosure and Sharing of Information - The AWA allows the employer and school name to be excluded by a jurisdiction on the public website. In keeping with this, the address of an employer and a school should also be allowed to be excluded by a jurisdiction from public access.. It's absurd that an address would be included, when it was the intent of the Act to allow that kind of information to be excluded if the jurisdiction so decides.

I urge you to make these changes. .

Sharon Denniston

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Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Monday, July 30, 2007 12:00 PM
To: Rosengarten, Clark
Subject: FW: OAG Docket No. 121

From: Grace Grogan [REDACTED]
Sent: Friday, July 27, 2007 12:42 AM
To: GetSMART
Subject: OAG Docket No. 121

Attn: Laura L. Rogers, Director
SMART Office, Office of Justice Programs
United States Department of Justice

SUBJECT: Adam Walsh Act Guidelines – OAG Docket No. 121

I am writing concerning concerns I have with part VI. Required Registration Information of the above guidelines.

INTERNET IDENTIFIERS AND ADDRESSES: These are identifiers that are constantly changed, added, etc and maintaining and tracking records of this nature would be almost impossible. Many families share one computer and email address, this invades the privacy of any other individual who is living in the home of the offender – this includes spouses, parents, and innocent children.

This portion of the guidelines should apply only to those offenders who used the internet to commit a sexual crime. When you limit to those individuals only, it is easier for authorities to maintain, monitor and track those individuals who have a history of using the internet to target young children.

PC Magazine's 2007 editors' choice for best web mail—award-winning Windows Live Hotmail. Check it out!

Rosengarten, Clark

web step

From: Rogers, Laura on behalf of GetSMART
Sent: Monday, July 30, 2007 11:59 AM
To: Rosengarten, Clark
Subject: FW: OAG Docket No. 121 - Discretionary Inclusions: Employment & Educational Institutions

From: Grace Grogan [REDACTED]
Sent: Friday, July 27, 2007 12:44 AM
To: GetSMART
Subject: OAG Docket No. 121 - Discretionary Inclusions: Employment & Educational Institutions

Attn: Laura L. Rogers, Director
SMART Office, Office of Justice Programs
United States Department of Justice

SUBJECT: Adam Walsh Act Guidelines – OAG Docket No. 121

I am writing concerning concerns I have with part VI. Required Registration Information of the above guidelines.

DISCRETIONARY EXEMPTIONS AND REQUIRED INCLUSIONS:

Name of an Employer of the sex-offender should be a mandatory exemption on the public SOR.

Disclosing such information to the public will prevent many businesses from hiring individuals who are on SOR, and may also result in the firing of offenders from their places of employment. There are many businesses who willingly employ these individuals, but if their name is going to be publicly connected with sex offenders, then they may no longer be willing to keep those individuals in their employ. This will result in more offenders being unemployable, putting them on either state assistance or into a homeless state and thereby making them harder to track. This also infringes on the rights of privacy for the business and opens the business, its owners and other employees to harassment.

Name of an Educational Institution where the sex offender is a student should be a mandatory exemption on the public SOR. Disclosing this information to the public opens up the possibility of educational institutions refusing admission to those individuals who are on SOR, as they do not want their institution associated with having offenders on their campus. This will affect the employability of thousands of young men and women who became offenders when adjudicated as juveniles and can no longer obtain a higher education. It also leaves those young offenders open to harassment from other students and educators, possibly endangering their lives as they move about campus for classes, especially during nighttime hours.

Address of Employers or Places Where Offender is Student – this should be a mandatory exemption from the public SOR for many of the same reasons noted above. With today's technology it is easy to find out the name of any business or institution through reverse look-up on the internet. Therefore listing the address without the business name does not afford that business, institution or anyone connected with it any degree of privacy.

7/30/2007

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Monday, July 30, 2007 11:59 AM
To: Rosengarten, Clark
Subject: FW: OAG Docket No. 121 - Licence Plates & Listing of Offences

From: Grace Grogan [REDACTED]
Sent: Friday, July 27, 2007 12:47 AM
To: GetSMART
Subject: OAG Docket No. 121 - Licence Plates & Listing of Offences

Attn: Laura L. Rogers, Director
SMART Office, Office of Justice Programs
United States Department of Justice

SUBJECT: Adam Walsh Act Guidelines – OAG Docket No. 121

I am writing concerning concerns I have with part VI. Required Registration Information of the above guidelines.

DISCRETIONARY EXEMPTIONS AND REQUIRED INCLUSIONS:

Sex Offence for which the offender is registered: In addition to this information the registry should specifically note if this is a juvenile adjudication and the offender's age at the time of the offence.

License Plate Number and Vehicle Description: This should be a mandatory exemption and should not be required on the SOR in any means. By placing this information on the registry you are opening the opportunity for individuals to suffer harassment from police, who may randomly run license plate numbers and then find excuses to pull those individuals needlessly. Offenders repeatedly suffer harassment from law enforcement, and this is another means of encouraging such harassment.

Disclosure of this information may also cause an increase in road-rage, if vigilante-type individuals use a posted address to track down an offender, then note their license plates and target those individuals on the road, trying to cause accidents, etc.

Allowing registries the option of going one step further and publicly displaying this information on their registries is an absolute violation of the rights of privacy by anyone who owns or operates any of those vehicles but is not a registered sex offender and opens them to harassment as well. This may also prevent employers from hiring or keeping offenders in their employ, resulting in higher unemployment and increased homeless sex offenders, who are then harder to track and monitor.

on't get caught with egg on your face. Play Chicktionary!

7/30/2007

Rosengarten, Clark

Web

From: Rogers, Laura on behalf of GetSMART
Sent: Monday, July 30, 2007 11:45 AM
To: Rosengarten, Clark
Subject: FW: OAG Docket No. 121 - Keeping Current Section B

From: Grace Grogan [REDACTED]
Sent: Monday, July 30, 2007 8:56 AM
To: GetSMART
Subject: OAG Docket No. 121 - Keeping Current Section B

Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking
Justice Department's Office of Justice Programs

SUBJECT: OAG Docket No. 121

I am writing regarding the section on Keeping Registration Current, specifically Section B. Changes in Other Registration Information.

I believe the goal is to ensure that all registration information is kept as accurate and up-to-date as possible. Therefore, the goal should be to make it as easy as possible for offenders to comply in maintaining an accurate registration.

With the extensive software program that these Guidelines mention having, and the ability to immediately transmit such information to all other jurisdictions, any changes needed to be made to the registrations between designated registration periods should be able to be updated by the offender via internet – changes to items such as vehicle information, telephone numbers, internet addresses, etc. It would greatly reduce paperwork and man-hours necessary for monitoring and maintaining the registry if these changes could be made via internet, with a confirming email sent back to the offender confirming the receipt of the information. Such auto-replies are done regularly by companies when they take orders via internet. The information could then be confirmed at the regular in-person registration confirmation.

Thank You,

Mother, Grandmother, Citizen
Who wants a Useful Registry

PC Magazine's 2007 editors' choice for best web mail—award-winning Windows Live Hotmail. Check it out!

7/30/2007

Rogers, Laura

website

From: Howard Taub [REDACTED]
Sent: Friday, July 27, 2007 6:30 PM
To: GetSMART
Subject: SORNA GUIDELINES COMMENT

It's a terrible law, anyway.

We employ two RSOs, both quiet, decent men who are trying to rebuild their lives. By listing their employer on the internet, you are punishing small businesses who have invested in these men; and you are making them practically unemployable.

Plus, we are in an industrial park, so it will do nothing to prevent crime.

Howard Taub
[REDACTED]

Rogers, Laura

public registry

From: Florence Rogers [REDACTED]
Sent: Tuesday, July 31, 2007 11:40 PM
To: GetSMART
Subject: Registry Guidelines

Dear DOJ;

I have been reading about the proposed minimums for listing felons on the sex offender registry and I wanted to make some comments.

First, if a registry is going to be useful it needs to be restricted to people known to be a danger to minors. If a person's crime does not involve any interaction with a minor then that person is not known to be a danger. If they have not at least e-mailed a minor as was the recent case with the Senator and the Capitol Pages then I oppose putting that person on the registry.

A law enforcement officer in Atlanta has stated that putting unnecessary people on the registry keeps his office from being able to concentrate resources on keeping close track of dangerous people.

Keeping children as safe as possible is always going to require vigilance. The adults responsible must keep open lines of communication so that they know of any dangers as they arise. They should also teach children how to respond so that they can protect themselves as much as possible. It is not necessary to scare children with horror stories to do this. They need to be told they can say no to adults, that it is appropriate to scream if someone is scaring them and that they have a right to their bodies and no one other than parents and medical professionals have a right to touch them if they do not want to be touched. There is no way to list offenders before their first offense, so safe practices are necessary.

I believe that limiting the time a person is on the registry is helpful to them in trying to live a normal and stable life. At least they will not have to keep moving to comply with ever changing restrictions. But it should be remembered that once something is on the Internet it is never really gone, so in that sense everyone ever listed is listed for life.

Sincerely,
Florence S. Rogers

Rogers, Laura

websites

From: Donna Miles [REDACTED]
Sent: Wednesday, July 25, 2007 9:09 PM
To: GetSMART
Subject: comments on new guidelines

I am writing to you to offer some thoughts I have on the new rules the AG is coming out with in the name of Adam Walsh Act. First let me say that there are some violent sex offenders whom I am afraid of. However I believe the majority of sex offenders on the public registry should not be there. They have offended family members and will continue to do so until they have had treatment and healing, emotionally mentally, and spiritually.

I know someone on your registry who is on probation for 4 years. The girl whom he had and improper relationship lied about her age. She told him she was 18. He believed her because she looked and acted like she was. She came to the home where this man lived and was very interested in him. one thing led to another when she was there and now this person is on probation for 4 years. He is on the registry. My point in sharing this story is that this person would be first to tell you he made a serious mistake. He is paying for it. But if all the new guidelines go through he would be in prison for 25 years.

Some of the guidelines I think need to thought through more carefully are:

Increasing amount of info the public receives about the sex offender. I believe giving info about where they work does nothing but bring about more hysteria. It is already difficult for them to find jobs. Please don't set them up for failure. All this will do is make the serious offenders go underground and those who are trying to do right more difficult to find good jobs. Who will hire them if the employees name is on the registry with them?? Also by giving the email address does nothing either...how easy is it for serious offenders to change their email address??Very! All this will do is to create vigilante hysteria. And make it easy to target and terrorize the many sex offenders who are trying...they are in treatment and going to their P.O.'s Please have a change in registration. Many serious offenders need to be on there, but some do not. Why not make guidelines based on offenses and the circumstances around it. People who are on probation should not be on there. If they break probation then yes they should be..but give them a break. They would do a lot better without having to register. Just some thoughts on your new guidelines.

I am afraid if you don't make the registry different...just about everyone will be on there some time or another.

Thanks for reading this.

Donna

Rogers, Laura

STP Web

From: [REDACTED]
Sent: Tuesday, June 12, 2007 4:03 PM
To: GetSMART
Subject: OAG Docket No 121

VI Required to registration of e mail address and other communications tools.

I feel that this should be mandatory that this information only be available to the public on special request and should not be posted on the public web registry.

7/21/2007

Rogers, Laura

8/14/07

From: [REDACTED]
Sent: Wednesday, June 13, 2007 11:05 AM
To: GetSMART
Subject: OAG Docket No 121

Sec 114 (A) (4), and (A) (7) Sex offender to provide employment information. This information should NOT be available to the public. The reason I am saying this is because if this information is available to the public then many employers will not be willing to hire a sex offender. Now that will be counter productive to stopping the sex offender from re offending. No what we want is all of the sex offenders working and not having time on their hands so they become more inclined to maybe commit another crime. As a matter of fact the government should give some tax incentives to employers who hire sex offenders. This may help to keep a sex offender from repeating a sex crime.

I do understand the need for Law Enforcement to have this information but not the public. The other issue is if we make the sex offender register at their home and place of employment we may find that many sex offenders are going to be out of a job, because they are spending so much time away from work registering at all the locations. Now if that same sex offender works and goes to school and lives in different area for each, well they will spend all of a day or more going to each location. This information could be transmitted to all of the locations by having the sex offender just going to the location were they live and that being the point of contact for the sex offender only. The home jurisdiction would then be required to transmit any other information to the agency's that the sex offender will be in. If it is made so hard on the sex offender many more will drop out of sight and this is not what this law should be forcing to happen.

7/21/2007

Rogers, Laura

From: [REDACTED]
Sent: Thursday, June 14, 2007 12:44 PM
To: GetSMART
Subject: OAG Docket No 121

Section 118 (c) (1) -(3); It should be mandatory that All tier 1 be exempt from being on the web public look up. The reason I say this is because if this tier is of no danger to the public then they should not be available to the public on the web. If the reason for posting information on the web is to "protect the public" then by your stander and the US Supreme past ruling this group of sex offenders should not be available to the public. Futhermore if you look at the US Dept. Of Justice Bureau of Justice Statistics on Recidivism web sight you will see that sex offenders as a group are one of the lowest to repeat the crime after arrest. Per the bureaus web sight within 3 years of release from prison 5.3 % of sex offenders will be recharged with a sex crime and of that 3.5% will be convited. The only lower rate of recidivism amoung criminals is those who are arrested on murder charges. Given that information this group is very low at oddes to repeat a sex crime and those in tier 1 are even at a lower risk.

7/21/2007

Rogers, Laura

From: [REDACTED]
Sent: Thursday, June 14, 2007 12:52 PM
To: GetSMART
Subject: OAG Docket No 121

All communications types that is collected by the registering agency should be manditory that this information not be made public. IE no e mail address or phone numbers cell or land line should be included on the public SONRA. The states should be required to set up a system were an e mail could be entered by a indivdual trying to find out if a child has been e mailing a sex offender, and this system would check to see if it is an e mail that is infact one that belongs to a sex offender. If some states place the e mail addresses on the web sight, besides being able to communicate with eachother to maybe plan a new sex crimes, sex offenders would be able to band together to fight registration laws as a group, including putting money toward an all out fight to the highest court in the land.

Rogers, Laura

~~§ 115P~~ web

From: [REDACTED]
Sent: Friday, June 15, 2007 1:11 PM
To: GetSMART
Subject: OAG Docket No 121

114 (a) (6) (a) (7) All vehicles should only be placed on the non public information available to police. This informaiton should be excluded from the web SORNA and added to sec 118(b) as excluded informaiton.

The problem with posting the vehilces on the web sight is that this may encourage someone to strick out at the person driving that vehicle, when infact it may not be the sex offender driveing the vehicle but a member of the sex offenders family.

Posting of too much information on the web sight will hinder law enforcement in the investigation should someone look up the information about what vehilce is listed for the sex offender and then report that vehicle was in the area of a were a sex crime is being investigated. The people who report what they have seen should be doing it based on what they realy saw and not what they think they say because they were feed the information off the internet. Futhermore if a sex offender were thinking about committing a crime, do not you think they would get a unlisted vehicle to do the crime with, since they will know which vehicles they have reported they drive. This will also make it harder to catch them as they will work hard not to get caught.

7/21/2007

Rogers, Laura

STX web

From: [REDACTED]
Sent: Friday, June 29, 2007 2:34 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

Section VI of the SORNA includes the option that states may post on the sex offender registry information as to sex offenders e mail address on the registry. This is without a doubt a very problematic issue. I am suggesting that posting on the internet sex offender registry of a sex offenders e mail, phone numbers (land line & mobile), and along with social security numbers be prohibited.

Instead the approach should be that law enforcement may have that information given to them at time of registry of the sex offender, and if a citizen request to know if an e mail address the citizen submits to Law Enforcement is one that belongs to a sex offender, law enforcement can check to see if it does. The request to Law Enforcement should be made by contacting law enforcement in writing via the internet or some type of written communications requesting the verification of a requested e mail address to be checked against the data base of e mail address that are associated with sex offenders.

7/21/2007

Rogers, Laura

WCB

From: [REDACTED]
Sent: Monday, July 02, 2007 1:15 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

The rules issued under the AG, say that listing of names of employers of sex offenders is optional under the SONRA 114(a) (4) and (a) (7). I am suggesting that listing the names and address of employers of Sex Offenders will be counter productive to the intent of the SONRA!

The reason I say this is that if you look at the reasoning of the SONRA it is to protect the public from sex offenders. Well if a sex offender is working and not "out on the street", the chances of the sex offender re offending are a lot less. By posting the names and address on the public registry, will cause many employers to not want to employ sex offenders, as they will not want the business they own to be subject to boycott by those in the public that do not want to have anything to do with sex offenders and those who support them. It is a far better public policy to have sex offenders working then out of work and on public assistance of some type. If the law enforcement agency wants the information as to where a sex offender works, that is one thing and may be understandable. However the posting of this information on the public web sight will not enhance the public safety in anyway, and as stated may make the public at more risk to see these offenders recommit a crimes, and those crimes may not be sex crimes they may be other crimes when the offender is trying to keep food on the table when because the public posting of their employment information, the sex offender losses the job they have.

7/21/2007

Rogers, Laura

From: [REDACTED]
Sent: Monday, July 02, 2007 1:35 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

SONRA Section 118 (c) (1) - (3) as issued will let states determine if they want Tier I to be left off the public on line sex offender registry. And that all though not forced to use a tier system each state may leave those offenders off the registry that would fall into tier I as defined by the SONRA.

The requirement that states leave Tier I sex offenders off the public sex offender registry should be mandated and required by each state to continue to get federal funds. This would work as a great crime prevention tool! If all sex offenders knew that they would have a chance to go to the non public sex offender registry if they stayed free and clear of all crimes for say ten (10) years, they would be able to ask the original court of record to review the courrant tier level they were placed on at time of conviction. This would place the onus on the offender to be good and then you will get off the public registry. If using the thinking of the AG that all sex offenders are at a risk to re-offend, would reduce that likely hood by a number of offenses. This would be a public safety measure that has some hope of reducing future crimes. However the AG may not think the number it would cut down would be that high in that if you go to the official web sight of the government on recidivism, one is shocked that the number of sex offenders the US Dept. Of Justice Bureau of Justice Statistics on Recidivism is reporting that within three years of release from prison 5.3% of sex offenders will be rearrested for a sex crime and of that only 3.5% will be convicted. But given that information maybe we can cut that down to even less than it is now, even though it is the second lowest recidivism rates among all criminals with the exception of those who commit homicide. Well anyway if the goal of the SONRA is to protect the public from this group of offenders the AG will do all in his power to see that all the acts of the SONRA will help do just that. However if the goal of the SONRA is just to see how many names and faces it can have on it, well than of course the AG will not be interested in anything that will cut down on that number or cut down on crime.

7/21/2007

Rogers, Laura

web

From: [REDACTED]
Sent: Tuesday, July 03, 2007 3:21 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: oag docket no 121

The SONRA rules as posted by the AG call for the states to decided if the sex offenders e mail and other types of communication contacts should be posted on the public web sight for all to see. By doing this you will subject the offenders to all types of additional harassment and could cause offenders to start to communicate with each other. I am suggesting that if this information is collected it should be mandatory left off the public sex offender registry. (this would include leaving off the e mail address and all phone numbers of the sex offenders)

7/21/2007

Rogers, Laura

web

From: [REDACTED]
Sent: Tuesday, July 03, 2007 3:57 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

Section 114 (a) (6) & (a) (7) of the rules as posted as recommended by the office of the Attorney General, say that all information on the vehicles including any registered vehicle (water craft and alike) and any vehicle the sex offender has access to must be registered when the sex offender registers for the SONRA.

The issue I see with this is that this information should not be available to the public. The reason is that should a sex offender be identified in an assault, the defense attorney would be able to raise the issue that the only reason the victim was able to I. D. the vehicle used by the offender was because the victim got the information off the public sex offender registry.

I am suggesting that all vehicle information if obtained by the states would mandatory excluded from the SONRA and any other public sex offender registries. Having this information on a public web sight will add no additional safety for the public, in that they would have to be able to memorize the vehicles that any given sex offender has listed and then be watching for that vehicle. In the mean time the public would be faced with the fact that in some states the sex offender registry includes over 10,000 sex offenders. This would be a monumental undertaking to memorize the vehicles used by the offenders who are registered. Now if the reasoning to have the sex offender register all vehicles is a crime prevention tool, then this information should only be available to Law Enforcement and not the general public. Also if the reasoning to have all the vehicles information is to help Law Enforcement with an investigation, again this should limit the information to the police and not have the public have access to the information on the vehicles sex offenders may be able to use. The other issue with this type of information is that truly if an offender is going to be involved with a new sex crime, nothing would pohibite the offender from renting a vehilce for a short time frame. Use the rental vehilce to commite the crime and then return the rental vehilce to the renting agency. In that case detection on the part of the police would be harder. In summary; if you require the vehicles information be posted on the public sex offender registry you will be making the job of detection by the police and prosecution by the prosecutors office much harder.

7/21/2007

From: [REDACTED]
Sent: Tuesday, July 10, 2007 11:40 AM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

Sec 114 (a) (7) of the SNORA states in summary; concerning all licensing of registrant to engage in occupation or carry our a trade or business - " may provide a bases for notifying the responsible licensing authority if the registrants conviction of a sex offense may affect his or her eligibility for the license."

When looked at in first light this may seem like a reasonable thing to do, but upon close inspection this looks more like the SNORA is trying to give states the authority to be punitive. What good would it do for example for a member of the agency that has control over the sex offender registry to call say a state licensing agency in charge of issuing electricians licenses to tell them they have a sex offender with a licenses to do business. No place in the law does it say that a sex offender can not have a license to do electrical work. However looking at this if the agency gets a call from the state telling them about a sex offender with a electrical license do not you think the issuing agency will look for some way to take this persons license away from them? I am only using an electrician as an example.

Now if for example a sex offender reports having a licenses to teach for example, that is clearly against the law in most of the 50 states and should be investigated.

The issue I have is that this truly shows the intent of the SNORA is to be as punitive as possible on sex offenders and this is not what the sex offender registry is for or should be used for.

The other issue is that do you really think that if a sex offender has a license that they should not have because it is against the law, that they will report it when they register? NO not at all. If the reason to have a sex offender is to educate the public as to who the sex offenders are, and this information is posted on a web sight open to the public; then I submit to you that the checking of the sex offender registry to see if a sex offender has a license that is forbidden by law; it is the responsibility of the agency issuing licenses to check the on line sex offender registry. It is not the responsibility of the government agency controlling the information on sex offenders to contact the licensing agency's.

Had the SNORA only tried to gather licensing information for record reasons and nothing else than maybe it would be something that could be done. But since this issue has shown the real reason of the SNORA is to try to be as punitive as it can be. You need to have an outside agency review this full SNORA law before it goes into effect. Maybe even the US Supreme court should be consulted if that is possible. It is clear from what the A.G's office has written not only in this part of the SNORA but other parts that the office of the U.S. Attorney General is not without bias in this issue and is trying to make sure the SNORA does all it can to harm and humiliate sex offenders and that is beyond what the intent of Sex Offender Registries were enacted to do by law.

Rogers, Laura

web

From: Tim Poxson [REDACTED]
Sent: Friday, July 20, 2007 3:38 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

The SORNA should prohibited the following activities

1. States should be prohibited from making those who are required to register pay more money when they register. The SORNA should not be used by the states or local government as a way to collect more money from people who by law are required to do something that is above and beyond what the court set as punishment for a crime they committed.
2. 114 (a) (4) and (a) (7) the SORNA should mandate that employment information not be made available to the public but the information can be collected for non public use by law enforcement. If this information is posted on the sex offender registries, many sex offenders will be fired from jobs they have, even when the employer knows they are a sex offender, the employer will not want to be at a loss of any business because they employee a sex offender so they will fire the sex offender. The last thing the SORNA should want to do is put offenders out of work who are legally employed, paying taxes and most of all working so they are less likely to commit any new crimes.
3. States should be prohibited from posting on the sex offender registries any information as to how to communicate with the sex offenders, including cell phone numbers, e mail addresses, internet names used by the sex offender, and any other form of communications that would let the public directly contact sex offenders. The collection of this information should be for law enforcement use only.
4. All vehicle registration information should be prohibited from being posted on the sex offender registries, as this will only lead to possible road rage on the part of a citizen who see a vehicle they think is an sex offenders auto. The collection of this information should be for law enforcement use only.

7/21/2007

Rosengarten, Clark

§114

From: Rogers, Laura on behalf of GetSMART
Sent: Thursday, July 26, 2007 3:44 PM
To: Rosengarten, Clark
Subject: FW: OAG Docket No 121

From: Tim Poxson [REDACTED]
Sent: Wednesday, July 25, 2007 1:31 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

Sec 114 (a) (7) covers that each state will collect all information from each sex offender as to any license they have. The SORNA states that one reason for this is so it "may provide a basis for notifying the responsible licensing authority to see if the registrants conviction of a sex offense may affect his or her eligibility for the license". Clearly if the sex offender has a license of some type that the laws of the state say he should not have, then that should be checked into. But this statement on the SORNA is a blanket statement to check with all licensing authorities, were does it say in any law of any state that for example a sex offender can not have a license to sell houses? But yet all states require a license to sell homes. Checking with this examples licensing authority (in most places this is the state its self) is outside of government law enforcements legal authority, and could be looked upon as harassment, and unitive punishment. In that if law enforcement starts checking with licensing agencies for which they know that no law prohibits a sex offender from having said license, then what is the real reason for make such checks? For the SORNA to even make such a statement shows the real intent of the SORNA; punitive and more punishment to sex offenders. The other issue is that if this causes a sex offender to be fired from a job, because of the loss of a license they legally have, I would think the SORNA and the state officials in question will have some type of law suit. And beyond that why would you want to stop a person from lawfully working? When the sex offender is working, they are paying taxes, and of much lower chance of recidivism.

7/26/2007

LEXIS NEXIS (7-12-07)

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Monday, August 06, 2007 10:47 AM
To: Rosengarten, Clark
Subject: FW: Docket No. OAG 121 - Comments to SMART Office on SORNA Proposed Guidelines
Attachments: Comments.SMART.SORNA.August.1.2007.FINAL.doc

From: Abby Stewart [REDACTED]
Sent: Wednesday, August 01, 2007 12:29 AM
To: GetSMART
Subject: Docket No. OAG 121 - Comments to SMART Office on SORNA Proposed Guidelines

Attached please find comments submitted by LexisNexis regarding the SMART Office's Proposed Guidelines for the National Guidelines for Sex Offender Registration and Notification - due date August 1, 2007. LexisNexis appreciates the opportunity to provide these comments and looks forward to working with the SMART Office in the near future to help SORNA jurisdictions comply with the SORNA requirements. If there are any substantive questions regarding these comments, please contact Mr. Tom Regan of LexisNexis - thomas.regan@lnssi.com/ 202-378-1009 and any questions regarding this electronic submission should be addressed via a response to this email or a phone call to Abby Stewart [REDACTED]

Thank you -

Abby Stewart
[REDACTED]

8/6/2007



Thomas M. Regan
SVP, Executive Director for Privacy
and Regulatory Affairs
LexisNexis Special Services, Inc.
Suite 250
1150 18th Street, NW
Washington, DC 20036
202-378-1009
Thomas.regan@lnssi.com

August 1, 2007

Laura L. Rogers, Director
SMART Office, Office of Justice Programs
United States Department of Justice
810 7th Street, NW
Washington, DC 20531

OAG Docket No. 121

Re: Comments on the SMART Office's National Guidelines for Sex Offender
Registration and Notification – Proposed Guidelines, May 2007

Dear Director Rogers:

Please consider the following comments from LexisNexis concerning the above:

Introduction

LexisNexis appreciates the opportunity to submit the following comments to the newly established SMART Office (Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking Office) regarding the Proposed Guidelines for the National Guidelines for Sex Offender Registration and Notification, as published in the Federal Register on May 30, 2007. LexisNexis would also like to take this opportunity to commend the Department of Justice (DoJ) for establishing the SMART Office in a timely manner to begin the process of assisting the jurisdictions statutorily defined in the Adam Walsh Child Protection and Safety Act of 2006 (*P.L. 109-248* – hereinafter the “Adam Walsh Act”) in complying with the comprehensive national standards set out in Title I of that Act – the Sex Offender Registration and Notification Act (“SORNA”).

As an advanced data management and information sharing company, LexisNexis has, for many years, assisted law enforcement agencies by leveraging advanced

technology to integrate law enforcement data sets with public records to help rapidly and accurately generate new leads in complex investigations. To that end, LexisNexis has been particularly focused on helping law enforcement track and monitor convicted sex offenders once released into local communities. LexisNexis provides this assistance primarily through its well-proven Advanced Sex Offender Search (ASOS) technology. ASOS provides law enforcement agencies with a mechanism to rapidly link relevant state controlled data, including criminal histories, sex offender data, and Department of Corrections data with public records to provide immediate answers to queries such as whether a sex offender has moved without updating state sex offender registration information and whether a non-compliant (“absconder”) sex offender was in a given area of a child abduction.

ASOS technology has numerous components that law enforcement jurisdictions could immediately deploy to help with SORNA compliance. Specifically, the information provided herein emphasizes how ASOS could help SORNA jurisdictions: 1) maintain updated sex offender registration information, including verifying relevant addresses of both “compliant” sex offenders (i.e., those who update their registration information as it changes) and “absconded” sex offenders (i.e., those who do not update their registration information); 2) provide alerts to other relevant SORNA jurisdictions about sex offenders moving into and out of those jurisdictions, without depending on the sex offender self-registering the new information; and 3) share vital information amongst jurisdictions immediately after a child goes missing to determine whether absconded sex offenders are in a given area, or have connections with a given area of an abduction.

LexisNexis is submitting these comments so that the SMART Office is aware as it drafts finalized SORNA Guidelines that technology already exists today to help jurisdictions comply with several primary SORNA legislative requirements. LexisNexis looks forward to working with the SMART Office in the future to continue to help relevant jurisdictions comply with SORNA.

ASOS Program

Technology Description

ASOS is an information sharing program that enhances jurisdictions’ ability to meet the following goals of the Adam Walsh Act. ASOS can:

- Help SORNA jurisdictions maintain accurate registration information, including addresses on both compliant sex offenders who provide updated information to state registries and non-compliant sex offenders – “absconders” – who do not provide registries with updated information;
- Provide SORNA jurisdictions with a Sex Offender Alert Service that notifies the jurisdictions when a sex offender moves from a registered address and also when a sex offender from another jurisdiction moves into a given jurisdiction; and
- Enable a SORNA jurisdiction, when confronted with a non-custodial abduction, to immediately identify both registered and non-compliant sex

offenders in the area who might be suspects in the commission of the crime.

At the heart of the ASOS technology is the *LexisNexis Enterprise Data Fusion System* (EDFS). EDFS enables loading, linking, querying, and analyzing of massive data sets from diverse data sources at unmatched speeds, and also enables rapid data fusion and analysis of tens of billions of records in seconds and minutes instead of hours, days, or even weeks. EDFS allows law enforcement to query comprehensive information in a missing child investigation and receive answers in real time.

Another key component of ASOS is the *Accurint Data Link* (ADL), a patent pending set of algorithms that leverages billions of LexisNexis public records and a state's own data sets to identify people and link multiple records into a complete, unified view. ADL technology uniquely identifies persons, properties, addresses, businesses, vehicles, and many other entities.

LexisNexis Advanced Investigative Solution (AIS) software provides advanced data analytics and visualization technology to enable law enforcement to quickly identify, locate and visually map addresses associated with both registered and non-compliant sexual offenders as well as other addresses of investigative interest. Using built-in mapping technology, law enforcement officials can also quickly analyze the proximity of sex offenders to locations such as elementary schools and day care facilities.

The data that powers ASOS emanates from two locations. The first is the LexisNexis public records database, which contains the sexual offender data for all 50 states plus the District of Columbia and also includes nearly 9,000 sources of records on persons, assets, relatives, associates, businesses, licenses, and courts. The other source is data that is possessed by participating states. The following state data sets are incorporated into the ASOS Program: 1) Sex Offender Registries and images; 2) Driver's License Records and images; 3) Motor Vehicle Records; 4) Criminal History Records and images; and 5) Department of Corrections Records and images.

Maintaining Accurate and Updated Registration Information

Section 114 of the Adam Walsh Act, and Section VI of the Proposed National Guidelines, entitled "*Required Registration Information*" recognize that crucial to the success of SORNA is accurate sex offender registration information. Section VI of the Proposed Guidelines lists the following information as that which will be required to be kept by the state sex offender registries: names/ aliases; internet identifiers; phone numbers; Social Security Numbers; residence/lodging/travel information; temporary lodging information; employment information; professional licenses; school/student information; vehicle information, including the license plate number and description of any vehicle owner by the registered sex offender; date of birth; physical description; text of registration offense; criminal history; current photograph; fingerprints and palm prints; DNA information; and Driver's License or ID card.

Much of this information is held in public records that LexisNexis manages within its core business function as a comprehensive data management company and can be accessed through the ASOS program. As such, LexisNexis has the most updated version of this information for most members of the public, including sex offenders – and it is all managed with appropriate privacy protections in place. Because ASOS has the ability to link the LexisNexis public record data with various information held only by the states, including criminal history information, ASOS can present a rapid, and most importantly current, view of sex offenders as they move throughout society. ASOS can be structured so that SORNA jurisdictions can receive periodic updates about sex offenders to check the accuracy of state sex offender registries. ASOS can also be accessed by SORNA jurisdictions when law enforcement officials have questions about the movements of specific sex offenders and whether their information as presented in the registry is correct.

Alerts for SORNA jurisdictions as sex offenders move into and out of various jurisdictions

A central theme throughout both SORNA and its proposed guidelines is that SORNA jurisdictions need to immediately and electronically share changes in state sex offender registry information as such information is received. Specifically, Section 119(b) requires that the Attorney General ensure that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions. Section 121(b)(3) requires that immediately after a sex offender registers or updates a registration, that information must be provided to each jurisdiction where the sex offender resides, is an employee, or is a student, and each jurisdiction from or to which a change of residence, employment, or student status occurs. The problem with this requirement is that it presumes that sex offenders willingly provide updated registry information.

LexisNexis has created a unique tool called the ASOS Sex Offender Alert System which can provide SORNA jurisdictions with updated sex offender registry information without relying on sex offenders to provide the information. Using the ASOS technology, state sex offender registries can be regularly monitored for discrepancies between a sexual offender's registered address and the current address obtained through public records information. This means that sexual offenders across the country who relocate and fail to register their new addresses are immediately flagged as living at an unverified address. The ASOS system then creates an "Alert" list of national at-risk sexual offenders that contains the following information regarding offenders: Name; Date of Birth; Social Security Number (if available); Registered Address; New Suspected Address; Record (and photograph if available); and Phone Numbers. The Sex Offender Alert is then encrypted and securely e-mailed to relevant SORNA jurisdictions for subsequent review and analysis. Thus, the ASOS Alert system can help SORNA jurisdictions comply with Sections 119(b) and 121(b)(3) without relying on sex offenders to provide updated information.

Information Sharing Immediately After a Child Abduction

At the heart of SORNA and the Adam Walsh Act is the nation's attempt to prevent any children from being abducted and subjected to unspeakable abuses by sex offenders. Due to the prominence of recidivism amongst sex offenders, in order to protect children, it is necessary for law enforcement personnel to determine the whereabouts of all sex offenders in a given radius of an abduction, whether they are compliant with a state sex offender registry's rules or not. Perhaps the strongest and most beneficial capability of ASOS is its ability to, immediately following a child abduction, link relevant public record information with state specific information to provide details on every sex offender with connections to a particular abduction site, whether that sex offender has updated information in the state sex offender registry or not.

ASOS delivers this application through the well-proven LexisNexis Advanced Investigative Solution (AIS) application that is easily downloaded onto an investigator's desktop and which enables access to the ASOS program data. Based on an initial query through the AIS, ASOS correlates both state data and LexisNexis public records data, and within seconds produces information that pinpoints all likely sex offender locations within a given radius of an abduction site. To permit investigators to focus on the locations most likely to produce results, locations are classified into four categories: 1) REGISTERED – a location within the given radius that is a sex offender's registered address; 2) UNREGISTERED – a location within the given radius that is not a sex offender's registered address but is nonetheless the address at which the offender is living (i.e., an absconder's or non-compliant offender's address); 3) HISTORICAL – a location within the given radius at which a sex offender resided at some point in the past; and 4) ASSOCIATE – any location within the given radius with which a sex offender may have a connection.

To maximize the usefulness of the response, the AIS application includes an integrated geospatial mapping component and link-analysis visualization capability to supplement tabular results. With this capability, investigators can visualize results in a single view for registered, unregistered, historical, and associate locations of sex offenders within a specified radius.

Closing

The legislative requirements and proposed guidelines for the implementation of SORNA attempt to ensure that state sex offender registries are as accurate as possible to help SORNA jurisdiction's continually monitor and track sex offenders within each jurisdiction. However, the law and guidelines do not currently have much in place to help SORNA jurisdictions obtain updated registry information, outside of depending on the sex offender to provide it. The LexisNexis ASOS program currently has the capability of helping SORNA jurisdictions not only maintain accurate and complete sex offender registries, but protect children who are abducted by providing immediate answers regarding all sex offenders in a given radius after a child abduction.

Rogers, Laura

DNA

From: [REDACTED]
Sent: Tuesday, July 10, 2007 11:57 AM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

Section 114 (b) (6) of the SNORA states in part that DNA must be taken or must have been taken.

ISSUE> Many of the people the SNORA will now add to the data base of the sex offender registry were convicted before the advent of DNA and the everyday gathering of DNA evidence from persons arrested. The SNORA is calling for those who have no DNA sample in the data base to now be required to submit to a DNA draw or be subject to violation of the rules of the SNORA and their by opening them up to prosecution by State and or Federal authorities. The issue here is that this is clearly a case of an exo-facto law. I would draw your attention to the Alaska vs Doe case that in no place granted the authority to government to take DNA samples of sex offenders for use in a data base that is associated with the sex offender registry.

7/21/2007

Rosengarten, Clark

DNA

From: Rogers, Laura on behalf of GetSMART
Sent: Thursday, July 26, 2007 3:40 PM
To: Rosengarten, Clark
Subject: FW: OAG Docket No 121

From: Tim Poxson [REDACTED]
Sent: Tuesday, July 24, 2007 1:22 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

Section 114 (b) (6) of the SORNA should be rewritten as it stands now it says that all sex offenders must have on file a DNA sample or one must be taken.

The problem here is that in many cases DNA was not taken at time of conviction. IE the conviction was before DNA samples were taken, or the sex crime was so minor that a DNA sample was not requested. To ask for one now is a kin to ex post fact law. If the sex offender refuses to give a DNA sample at this date after the fact, the sex offender will be prosecuted under the rules and law of the SORNA which was written and became law after the fact of the conviction and sentence of the original crime. I understand the need of the government to collect a data base for possible further crimes of the sex offender, but the rights of the sex offender should not be overlooked to obtain this objective.

The easiest way to take care of this issue is to change section 114 (b) (6) to read that all sex crimes that a person is convicted of, from this date forward will require the submitting of DNA samples. The SORNA will note the fact that DNA sample is available or is not available in the narrative section of each sex offenders details.

7/26/2007

Rogers, Laura

From: Laney, Ron
nt: Wednesday, August 08, 2007 1:58 PM
Rogers, Laura
Darke Schmitt, Katherine; O'Reilly, Jacqueline
Subject: Comment from me on AWCPSA

It is not in the Adam Walsh Child Protection Act that a convicted sex offender "NEVER" be allowed to change their name in any way shape or form in their life time. The potential for the victims to be severely re-victimized by the fact the sex offender could change his/her name and re insert themselves into the victim's environment is something that should not be allowed. I would like to see this become federal law in the AWCPSA.

Rogers, Laura

From: [REDACTED]

Sent: Sunday, May 20, 2007 1:45 PM

To: GetSMART

Subject: LEVEL 3 SEX OFFENDERS HAVING THEIR COMMERCIAL DRIVERS LICENSE

I FIRMLY BELIEVE THAT LEVEL THREE SEX OFFENDERS SHOULD NOT BE ABLE TO TRAVEL FROM COAST TO COAST DRIVING FOR A TRUCKING COMPANY, WHERE THEY ARE NOT BEING TRACKED. THEY COULD BE DOING ANYTHING AND THE CRIMES THEY COMMIT WOULD THEREFOR BE HARDER TO SOLVE, I HAVE A FILE ON A LEVEL 3 INVOLVING CHILDREN THAT DOES HAVE HIS C.D.L. AND WORKS FOR A LONG HAUL TRUCKING COMPANY

7/21/2007

From: [REDACTED]
Sent: Monday, May 21, 2007 10:25 AM
o: GetSMART
Subject: DOB Information needs to be searchable on the website.

http://www.ojp.usdoj.gov/smart/pdfs/sorna_faqs.pdf

Section 17. What information must be available to the public through public websites? Date of Birth needs to be added. If I go to the site right now, and put in John Smith, 233 results come up. We need to be able to search with a DOB to figure out if the John Smith I am looking for is registered.

Thank you,
Amanda Maddox

[REDACTED]

[REDACTED]

www.criminalbackground.com
www.safe-schools.com
www.safecamps.net
www.safechurches.com
www.safevolunteers.com
www.fadv.com

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reg'd info

Rogers, Laura

From: Ian Horlock [REDACTED]
Sent: Tuesday, July 17, 2007 5:56 PM
To: GetSMART
Subject: SORNA comments: TRAVEL AND IMMIGRATION DOCUMENTS (§ 114(a)(7))

Ref. the "TRAVEL AND IMMIGRATION DOCUMENTS (§ 114(a)(7))" section for the proposed guidelines for SORNA, has consideration been given to registrants who hold additional non-USA citizenship(s), and who may also possess foreign passport(s)? I would like to suggest the collection of information regarding other citizenships a registrant may hold, including foreign passport(s) information.

Sincerely,

Ian Horlock
[REDACTED]

CONFIDENTIALITY NOTICE: This communication may contain LAW ENFORCEMENT SENSITIVE information, and should not be distributed in any form outside of law enforcement without prior permission from the originating agency.

Rogers, Laura

reg reg nts

From: [REDACTED]

Sent: Wednesday, June 20, 2007 12:41 PM

To: GetSMART

Subject: OAG Docket No 121

I would like the following requirment added to the SORNA. Each state shall be required to set up a toll free phone number that willll assist registrants with compliance. This resurce should be available to answer questions regarding the Sex Offender related laws and the specific registration requirements. Because the SORNA will be hard to interpret and because Law Enforcement agencies and municipalities will misinterpret and misapply the law. This location will also be used should a registrant with compliance should an emergancy such as hospitalaztion or alike takes place the registrant will be required to call this number and a case number will be assigned to the registrant. If truly you are interested in compliance with the SORNA you will include this in the mix of the law.

7/21/2007

Rogers, Laura

web

From: [REDACTED]
Sent: Thursday, June 28, 2007 2:55 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

Under the SORNA as your office has them written you have covered about everything with the exception of how to remove a sex offender from the SONRA should they die before they have served the full number of years as required by the SONRA. Given that the SONRA will have over 600,000 names on it, no question this will be an issue that needs to be addressed.

My suggestion so that the family of a sex offender does not have to be unduly burden with the requirement that they go to all the different jurisdictions the offender would have to go to if, they were still alive, that the family of the offender be able to mail a death certificate to the jurisdiction in which the sex offender registered as were they lived. The jurisdiction receiving this information would then be required to notify the other jurisdictions the sex offender had been required to register in that the offender is no longer required to register because they are dead. If you fail to add this provision many people will be listed on the SORNA that are of no danger any longer to the public. Also Law Enforcement will be using resources to track down offenders who are dead.

7/21/2007

Rogers, Laura

com net/web

From: Tim Poxson [REDACTED]
Sent: Monday, July 16, 2007 2:46 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

The SNORA as written includes no way to remove a sex offender upon the offenders death. Valuable Law Enforcement time will be wasted trying to track these offenders down and bringing them to justice. The SNORA should include that if a death certificate is mailed to any of the jurisdictions the sex offender had to appear at, that jurisdiction shall cause the sex offenders information to be removed from the sex offender registry.

7/21/2007

Rogers, Laura

reg process

From: [REDACTED]
Sent: Monday, July 09, 2007 2:55 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

Sec 117A of the SONRA does not require the agency notifying the sex offender of the sex offenders responsibility's to make sure that the offender understands all of the new rules and responsibilities they have under the SORNA. This should be done by going into depth on each responsibility and making sure the offender understands the rule. The offender should not be required to sign anything until such time as each issue has been talked about with the registering official and the offender understands. Furthermore on the form that the offender signs an area should be provided that the offender may write down any comments the offender has about the rules as to their understanding of them and other issues the offender may have. It should also be required that a copy of this form be given to the offender at no cost to the registering offender.

7/21/2007

Rogers, Laura

From: [REDACTED]
Sent: Wednesday, July 11, 2007 10:46 AM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

The SNORA should include some of the following rules;

1. States and local government are prohibited from charging extra fees to people who are required to register as sex offenders.

The reasoning is that if extra fees are charged some of those required to register will be not only a hardship, but it will be looked upon as a punitive action on the part of the state charging the fee. I am aware that some states are now charging fees, some just one time and others every time the sex offender comes in to the mandated visits. This practice is causing some sex offenders to go underground and stop registering. This is in direct conflict with what the SNORA is trying to do and that is to protect the public by posting the information on sex offenders on a sight that is available to the public. Further more a fee added is a form of punishment that the offender must continue to be subject to. If the SNORA is followed by a state, the state is not getting less in funding from the federal government, so the additional moneys needed to run the SNORA should come from the federal money coming for the program. And if the SNORA is truly for the public safety then any funds that are need beyond what is provided for from the federal government, should come from the taxes imposed by the states on its citizens.

The other area that states are taking money from sex offenders is to require that they get new drivers licenses every year. One such state is Oklahoma under SB35 requires a renewal of drivers license by sex offenders every year. I understand the need to keep up with the most currant photo of a sex offender, however the point that is being missed is that this group of people have already served the time in jail or on probation that was required of them. To impose on them any additional cost out of their pocket is paramount of adding fines and imposing more punishment on them. So the SNORA should at all cost stop this type of action from taking place. The reasoning should be that as stated many times the SNORA and sex offender registry's are not punitive and are a tool to be used to help protect the public. However by adding these fees and other punitive measures by the states or local government, the SNORA will be viewed by many as Punitive and will cause sex offenders to go underground, defeating the purpose of the SNORA.

Rogers, Laura

har.mr

From: [REDACTED]
Sent: Friday, July 13, 2007 11:59 AM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

The SNORA as written will without question cause much confusion and misunderstanding by both the police and the sex offenders. The SNORA should add a section to it that will require each state to set up a toll free phone number staffed by a personnel that are well versed in the SNORA and that states laws on sex offenders. By establishing a central location and agency to assist registrants with compliance, this in its self will increase compliance. This definitive resource should be available to answer questions about the SNORA (Adam Walsh Act) and specific registration requirements. This location could also act as an emergency contact should say a sex offender be in the hospital and unable to come in person when required to register or confirm registration in the time frame set up under the SNORA. This would be very limited in use for emergencies and would require some type of verification of the call and the offenders emergency. The other area this central location could help with is assisting law enforcement agencies and municipalities with the SNORA rules because they will also misinterpret and misapply the law, if they have no one to turn to answer the questions they will also have about the SNORA.

7/21/2007

Rogers, Laura

har'nt

From: [REDACTED]
Sent: Monday, June 18, 2007 1:23 PM
To: GetSMART
Subject: OAG Docket No 121

Section 118 Subsection (f) section on injure or harass or comit crime against person on SONRA. This section now reads in part "could result in civil or criminal penalties. The wording should be changed to will result in civil and or criminal penalties.

Reasoning. Since the government is mandating the SONRA it should also mandate protection for the people that it is requireing place a lot of personel information on a web sight that is open form anyone in the public to review. Futhermore the Federal government should mandate that local units of goverment or state goverment is mandated to proscute anyone who is found to vilate the law when using the SOR in the state of jursdiction.

7/21/2007

Rogers, Laura

harmit

From: [REDACTED]

Sent: Thursday, June 21, 2007 4:19 PM

To: GetSMART

Subject: OAG docket No 121

If the SONRA is truly a non punitive act, then the act should include the requirement that each state be required to set up a central location where vigilante acts and other crimes against sex offenders would be recorded and that information should then be forwarded to the US. Dept. Of Justice Bureau of Justice. This information should include sex offenders who commit suicide, or are murdered by a vigilante or by any other person. This information would be helpful to see the non punitive nature of the Adam Walsh act.

7/21/2007

Rogers, Laura

harassment

From: [REDACTED]
Sent: Thursday, July 05, 2007 5:05 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

Section 118 (f) of the SONRA states that all sex offender registries should have a section in them that says; To injure, harass or commit a crime against a person listed on the sex offender registry **could** result in civil or criminal penalties.

This section should be changed to read on every sex offender registry; To injure, harass or commit a crime against a person listed on a sex offender registry **will** result in civil **and** criminal penalties.

The reason for the change in wording is that since it is mandatory that the sex offender have their name and other information on the public web sight, which will without question result in some harassment or crimes committed against them; it is incumbent on the government to protect the sex offenders from these types of activities. This will of course require the law enforcement agency in the jurisdiction the crime or harassment took place to write a report and investigate it. Furthermore the KKK has added sex offenders to their list of targeted groups and is openly meeting and talking about what they have added sex offenders to the people they are going to "do something about."

You may go to this web sight to see that the KKK has posted on the web a meeting date and time about this subject. <http://www.youtube.com/user/fredbear1483>

Rogers, Laura

From: Tim Poxson [REDACTED]
Sent: Thursday, July 19, 2007 1:10 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

This is what the non punitive sex offender is doing to just one sex offender in OHIO. I hope you will take the time to read it.

I pleaded guilty to sexual battery in 1996, and was sentenced to 10 days in jail. During my jail time I was attacked and beaten by a gang, and ended up in the hospital with a broke jaw, five broken ribs, and both arms broken.

Recent Activity

1

I lost my \$75k a year job, my house, my car, and was forced by the law to be separated from my wife and kids. My wife and kids had to go on public assistance.

Was forced to move out of my house, and out of the city because some vigilantes set it on fire, and lived in a car for several months

Have not been able to secure steady employment since my conviction, and have been denied numerous employment opportunities inspite of having a Masters degree.

Was fired from one job after only a month when a government official showed up at my place of employment and spoke to my employer, even though I had told them employer of my criminal record.

Was forced to lie about my criminal record to get employment, which later resulted in being fired by several employers.

This led to me falsifying a Social Security document to obtain a new number so that I could get a job, which ultimately led to being arrested for possession of a false ID.

8/16/2007

Was legally allowed to regain my family, but my children have been outcasts in the neighborhoods that we have lived in, because their parents don't want them hanging around my house. This has had a negative impact on their lives, and has caused my son to be antisocial.

On several occasions being pulled over by the police for traffic infractions, I was handcuffed and placed in the back of a cruiser only because I was with my children. I spent nearly two hours handcuffed in the back of a State Troopers car while they tried to contact my wife to verify that I was allowed to be with my children.

A couple of weeks ago my daughter came home with a flyer that was being passed throughout our neighborhood that was printed off of someones home computer, which was a copy of my picture on the county sex registration site. Since then my tires on my car have been flattened, a large rock was thrown through the front window of my house, and I have received a dozen hate letters in my mailbox. One letter said that if I don't leave the neighborhood something terrible is going to happen to me and my family. (I don't ever want to repeat what some of the letters said, because they were so vulgar)

I have become a prisoner in my own home, for fear of conflict with the outside world. These laws are just crazy. I think that I would have had more freedom under Adolf Hitlers government.

The list goes on and on. The legal system says that the sex registry is a civil remedy to protect the citizens, but as I am living it, it is a form of punishment for me and my family, and I have become a virtual recluse, trying to avoid any contact with other human beings, but no matter how hard I try I cannot avoid the stigma attached to being a registered sex offender.

My registry requirements were supposed to end on July 21, 2007, which up until now had given me hope that maybe my life and that of my family would revert to some form of normalcy, but my hopes were dashed when I received a letter from the Attorney General saying that they passed SB-10 in accordance with the Adam Walsh Act that was enacted by

Congress in 2006. The letter from Marc Dann says that in spite of the previous court judgement that said that I would no longer have to register as a sex offender after 10 years, that my duties will NOT end, but that the people on the registry will receive a letter that indicates a TIER level from 1-3 and that the registration will go on for at least 5 more years, and in some cases, for life. Again my life is filled with uncertainty, and has aggravated my bi-polar disorder that had been in remission for several years.

That the state would send such an informal letter to me in this manner was just another form of harassment, in that it created an air of uncertainty in those individuals who made a mistake, and have been trying to go back to some type of normal life.



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Rogers, Laura

har'nt

From: Phoenix [REDACTED]
Sent: Wednesday, July 18, 2007 1:25 PM
To: GetSMART
Subject: OAG DOCKET NO 121

Are you really promoting vigilantism?

By enacting a law such as this you are not only putting the addresses of offenders out there but that of their families and their loved ones...

I thought this was to protect the children, how is that protecting the children?

Please don't say "If it saves just one child...." for if the child that is killed is one that was forced to live amongst true predators because their parents are forced to register and live there due to all the other laws, HOW is this protecting that child?

Or are you saying that as long as they aren't children of EX-offenders then they are WORTH being saved? For that is what YOUR potential law IS doing.

Also, what about the 88% of offenders that are friends or relatives of the child, where those cases don't EVER get reported? How does this law protect THEM?

8/16/2007

Rosengarten, Clark

harms

From: Rogers, Laura on behalf of GetSMART
Sent: Thursday, July 26, 2007 3:34 PM
To: Rosengarten, Clark
Subject: FW: OAG Docket No 121

From: Tim Poxson [REDACTED]
Sent: Monday, July 23, 2007 5:09 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

Sec 118 (f) This is the section in the SORNA that says each state will have a statement that says to injure, harassment or commit a crime against a peron on the sex offender register could result in civil or criminal penalties. Since sex offender registers are required by law, then every effort on the part of the criminal justice system should be used to make sure we protect those we are requiring to do something. I think the mandatory wording should be; to injure, harassment or commit a crime against a peron on the sex offender registry will result in civil and criminal penalties.

general

Rogers, Laura

From: Tim Poxson [REDACTED]
Sent: Thursday, July 26, 2007 1:20 PM
To: GetSMART
Cc: christine_leonard@judiciary-dem.senate.gov
Subject: OAG Docket No 121

Since about the time of the spread of sex offender registries in the United States in 1994; sex offenders have been Murdered or committed Suicide at a total of about 418 dead. (Taken from News and Noteworthy data) The effects of the SORNA will push these numbers even higher.

The effects of the SORNA will of course be far reaching and for that reason I am asking that the SORNA include a provision that each state will be required to keep numbers on how many new convictions for sex offenses are committed by registered sex offenders, and make that number available on the opening pages of the sex offender registry. Further that each state be required to keep track of all assaults or threats against registered sex offenders, and any property damage done to a sex offenders property or rental property. All of these numbers should be reported yearly in the states report to the FBI on crime (the basic report is already done yearly as required by federal mandate to be able to get federal crime funding, but it would require the additional information be added to it in a category covering registered sex offenders.)

Now I know that probably the office of the A.G. is not to concerned with the death of a sex offender in any way. The problem is that in many cases the death has been at the hands of a police officer, because the sex offender forced the officer to use deadly force. This is what is known as suicide by cop. This action on the part of the officer will have an effect on the officer for the rest of the time they stay in law enforcement. Further the SORNA would be the ideal time to gather such information as suggested above, so the public and the government will have some idea as to the real number of re- offenses this group of criminals is convicted of. Given that the US Dept. of Justice Bureau of Justice Statistics on Recidivism puts this currently at 3.5.% are re-convicted of a sex crime within three years of release from prison. This may also give some future idea as were the most resources should go to cut down the number of sexual assaults committed by registered sex offenders. But given the low number the Dept. of Justice is reporting now and the fact the Dept. of Justice also says that over 90% of sexual assaults are committed by a person well known and trusted by the victim, with over 50% of those being done by a family member, any justification will need a lot of data. Given the above numbers the SORNA is going to need to be able to justify the use of all the resources it is will now be calling in to use. So the way to do that will be to gather as much data as can be done. And of course with the resources that the SORNA will be using up at the state and local level, justification will need to made to stay the course the SORNA is on now or redirect those resources to those sex offenders that are the most danger to the public. And this could possibly be done by adopting a tiered approach to identify "high risk" offenders founded on empirically based risk factors. The SORNA is so broad that law enforcement will be more hampered than it is now in its efforts to protect the citizens from the high risk offenders. Law Enforcement will be forced to use more precious resources tracking low risk offenders rather than monitoring high risk predators.

8/16/2007

Rogers, Laura

From: Rosengarten, Clark
Sent: Monday, June 25, 2007 9:49 AM
To: Rogers, Laura; Hagen, Leslie
Subject: Foreign Convictions and retroactivity
Follow Up Flag: Follow up
Flag Status: Red

I was perusing the SORNA guidelines regarding foreign convictions who enter the United States on P. 52 of the SORNA guidelines, and I found that the guidelines seemed unclear about how the retroactivity clause of SORNA would apply to them. The retroactivity clause states that if an individual was convicted of a sex offense and was released from the supervision of the criminal justice system prior to his/her jurisdiction's implementation of SORNA, that individual would not be required to register unless that individual entered the criminal justice system due to committing another crime. However, the guidelines state that an individual convicted of a sex offense in a foreign country must register in the jurisdiction into which he/she enters when coming to the United States. However, that individual's foreign location of conviction may not have required registration when that individual was released from prison in that country. So, I was curious as to how the retroactivity clause would fit in with the registration of those with foreign convictions and whether, if convicted abroad they must always register in the US or how those two regulations could be reconciled. Perhaps, this is an issue that will need to be dealt with in creating the final guidelines. Thanks

Best,

Clark

8/29/2007

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART

Sent: Monday, July 30, 2007 11:44 AM

To: Rosengarten, Clark

Subject: FW: OAG Docket No. 121 Comments in Opposition to SORNA and the Proposed Guidelines (The Adam Walsh Child Protection and Safety Act)

From: Andrew N. [REDACTED]

Sent: Monday, July 30, 2007 10:41 AM

To: GetSMART

Subject: OAG Docket No. 121 Comments in Opposition to SORNA and the Proposed Guidelines (The Adam Walsh Child Protection and Safety Act)

Dear Attorney General:

I am opposed to making the application of SORNA retroactive. The Adam Walsh Act expands the definition of sex offender, lengthens the time people must be on the registry, and increases the amount of information the registrant must submit. This alone makes the sex offender registry punitive, but there are other reasons. Its language speaks to criminality. It creates harsh sentences for non-compliance. It restricts interstate movement. Registrants stand to lose significant rights and privileges, such as federal housing. States and local governments use the sex offender registry as a basis to impose civil restrictions and additional fees for normal government services.

Because SORNA is punitive, its retroactive application is a direct violation of the *ex post facto* clause of the United States Constitution, and state constitutions. Punishment for crimes should be handled by the judiciary at the time of sentencing. Laws that lengthen the sentence, or enlarge the penalty, when applied to people already sentenced, are simply illegal because they violate the *ex post facto* clause.

As this retroactive application of SORNA is violative of the Constitution, many people who are now obliged to register will go to the court instead. This retroactive application will end up disrupting thousands of lives, tying up the courts, and wasting millions of dollars in litigation.

It is my request that the new application of SORNA, as directed by the Adam Walsh Act, not be made retroactive, but start at the date when the rules are finalized. This will avoid a lot of legal challenges to the rule because of its unconstitutionality.

Portions of SORNA, as modified under the Adam Walsh Act, will undoubtedly be prohibited by some state constitutions. **It is my request that the Attorney General find states substantially compliant who ratify the new SORNA changes, but cannot, on constitutional grounds, make the changes retroactive.** This would unfairly penalize states for upholding their own law.

Thank you for your attention to this matter.

incerely,

7/30/2007

Andrew Nicholson, M.D., J.D.

[REDACTED]

7/30/2007

Rosengarten, Clark

From: Rogers, Laura on behalf of GetSMART
Sent: Thursday, July 26, 2007 3:40 PM
To: Rosengarten, Clark
Subject: FW: SONRA Issues

From: John [REDACTED]
Sent: Tuesday, July 24, 2007 3:32 PM
To: GetSMART
Subject: RE: SONRA Issues

Only one problem, these proposed laws are ex post facto as well as an invasion of one's privacy and cruel and unusual, which is illegal and unconstitutional. So long as these things keep happening to our nation, anywhere from the wiretapping to any number of things..and so long as our constitution continues to be ignored the way it is now, there will be no hope for OUR nation. Many people claim that the safety of the public is more important, but there is NO evidence that say these laws protect the public...even if there were, the constitution do not allow for what is more important, the law is the law and the constitution is the law of all laws, which is now being broken everyday in vein, all these laws do is provoke fear in our society and are used for nothing more than to get votes. I thought the Justice Department was supposed to be non-bias and not favor any political agenda...which is all these laws do. I'm just worried that right now, people use offenses made by these offenders to justify depriving them of their rights and violate the constitution in doing so, i'm just afraid tomorrow might include everyone else in the nation as well. These laws do not protect the kids, in many cases, the children suffer from them...at times, they even fall under these laws and are ruined for life due to a mistake. Not to mention the families of the offenders who have done their time, they suffer as well and are stripped of their rights when they have not done anything wrong. It's time we close pandora's box before its too late.

Moody friends. Drama queens. Your life? Nope! - their life, your story.
Play Sims Stories at Yahoo! Games.

Rogers, Laura

Ex post facto

From: [REDACTED]
Sent: Tuesday, July 10, 2007 11:05 AM
To: GetSMART
Subject: OAG Docket No. 121

I am writing to you concerning the Sex Offender Registration and Notification Act (SORNA) recently passed by the Senate. I have grave concerns regarding this act as it puts further restrictions on a group of individuals who have served their time and should be given a chance at redeeming themselves and to be productive citizens.

One part that deeply concerns me is the part that clearly violates the ex post factor clause of our Constitution. You are taking individuals who have been convicted (or as in most cases taken a plea agreement), given a sentence and completed that time. Now you are proposing to add additional "punishment" to this individual. This is unconstitutional!!!!!!!!!!!!!!!!!!!!!! When public shame and humiliation are part of this act, it goes beyond the scope of mere "regulatory". GETTING A DRIVERS LICENSE IS REGULATORY!!!!!! SORNA is punitive. It is detrimental to the efforts of sex offenders to establish stability in their lives and maintain a non-offending lifestyle. To claim that this law is strictly "regulatory" is preposterous. By all accounts, the act meets the criteria for "punative"

We do not need more laws, nor does our government need to be bigger. What has been proposed in SORNA will cost millions and millions of tax dollars. Many more police will have to be added at every level to try to make sure the sex offender does not "violate" any of these "regulations". This will assure that we become a police state. The resources required to carry out this act could better be used to educate families and provide help for the offenders. This is basically a family problem since 90 to 95% of the victims know the offender; i.e. family member or trusted family friend or acquaintance. The "stranger danger" is the exception, not the rule.

When you pass laws based on the "worst case scenario" and apply it to all offenders, IT IS WRONG. The punishment should fit the crime. You have lumped sex offenders for the most part into one category. That category is "John Couey", who kidnaps a child, molests and kills. This man has many, many problems but had previously asked for help and received none. Now Jessica Lungsford is dead and John Couey is where he should be. It is highly probable that Jessica would be alive today had John Couey received treatment and assessment he needed to prove whether or not it was safe for him to be in the general population. We will never know!!!!!!!!!!!!!!!!!!!!!!

What saddens me most is that the law is "construed" to be constitutional on the "regulatory" basis. "Punative" by any other name is "punative". If this law is not repealed, this means that our constitution no longer means anything. If such laws can be "construed" to be constitutional for one group of Americans, other such laws can also be "construed" as constitutional of any group of Americans. This law will make a mockery of our Constitution and put every American at risk for the same unjust treatment.

Our resources and goals should be on preventing and correcting this problem. Instead we are trying to "punish" it away. IT WON'T WORK. You are willing to spend millions and millions of tax dollars to further punish individuals who have paid for their crime because you THINK they will commit this crime again.

As an American citizen truly concerned for the future of our country, I strongly ask that SORNA be repealed for the sake of the integrity of our Constitution. We cannot punish this problem away. In the meantime, you have violated the civil rights of a group of Americans who are guaranteed these rights in our Constitution. You have said that laws can be "construed" to be constitutional even though they are not. We are at a crossroads and we must decide where the truth lies.

Sandra Johnson

8/16/2007